

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

JACOB DIAZ,

Plaintiff,

vs.

No. CIV-12-1117 KG/KBM

ROBERT METZGAR and JOSHUA RICHARDS,  
in their individual and official capacities as  
Albuquerque Police officers, and the CITY OF ALBUQUERQUE,

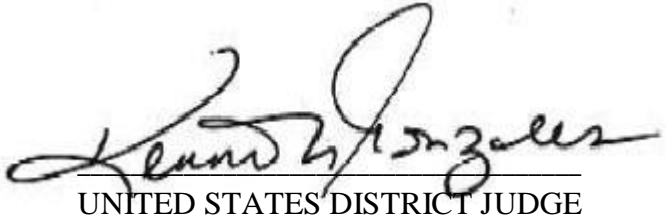
Defendants.

ORDER

This matter comes before the Court on Defendants Joshua Richards' and Robert Metzgar's Motion to Deem Plaintiff's Request for Admissions Admitted as a Matter of Law (Defendants' Motion to Admit Plaintiff's Request for Admissions) (Doc. 75), filed August 19, 2014. On August 28, 2014, Plaintiff responded and filed a Motion for Leave to file Motion to Withdraw Admissions (Motion for Leave) (Docs. 76 and 77). The Court held a hearing on the Defendants' Motion to Admit Plaintiff's Request for Admissions and Plaintiff's Motion for Leave on September 11, 2014. Present at the hearing were Rozan Cruz, counsel for Plaintiff, Alfred Creecy, counsel for Defendant Metzgar, and Trisha Walker, counsel for Defendant Richards. Having considered Defendants' Motion to Admit Plaintiff's Request for Admissions, Plaintiff's Motion for Leave, the corresponding briefs, the evidence of record, and the argument of counsel at the September 11, 2014, hearing, and having made conclusions of law, the Court denies Defendants' Motion to Admit Plaintiff's Request for Admissions, and the Court grants Plaintiff's Motion for Leave, for the reasons stated on the record.

IT IS, THEREFORE, ORDERED that

1. Defendants' Motion to Admit Plaintiff's Request for Admissions (Doc. 75) is DENIED;
2. Defendants' request for reasonable attorneys' fees is GRANTED;
3. Defendants' have until end of business on Tuesday, September 16, 2014, to file an affidavit documenting reasonable attorneys' fees in relation to the filing of their motion, and citing applicable authority to award attorneys' fees when the moving party's motion is denied;
4. Plaintiff has until end of business on Friday, September 19, 2014, to respond;
5. Plaintiff's Motion for Leave (Doc. 77) is GRANTED; and
6. Plaintiff has until midnight on September 12, 2014, to file a Motion to Withdraw Admissions.



UNITED STATES DISTRICT JUDGE